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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group:	1651	}	
		}	
Confirmation No.:	7977	}	Filed Electronically on
		}	
Application No.:	10/634,292	}	February 18, 2009
		}	
Invention:	Nano-Structured Polymers For Use As Implants	}	
		}	
Applicant:	Haberstroh et al.	}	
		}	
Filed:	August 5, 2003	}	
		}	
Attorney Docket:	3220-73239	}	
		}	
Examiner:	Susan Marie Hanley.	}	

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Supplemental IDS is filed in the application identified above pursuant to 37 C.F.R. § 1.56. No representation is intended that a complete search has been made of the prior art or that no better art references than the references cited in the IDS are available. The filing of this IDS shall not be construed to be an admission that the information cited in the IDS is, or is considered to be, material to patentability as defined in §1.56(b).

Applicants have recently become aware of an additional reference, Wu et al (US Patent No. 6,805,898), that applicants cite for consideration by the Examiner. Pursuant to 37 C.F.R. § 1.98(a)(2)(ii), a copy of the cited U.S. patent is not provided herewith. Wu et al., disclose an implantable stent wherein the stent has asperities formed on a designated region of its outer

surface to improve the retention of one or more layers of coatings on the device. Wu et al disclose that the asperities can be formed by protrusions and indentations, but fail to teach or suggest that a device could be formed having surface protrusions of less than 100 nm. More particularly, applicants respectfully submit that since Wu et al teach the use of protrusions for retaining coatings formed on the stents, making protrusions of a height below the minimum specified by Wu et al., would be counterintuitive as one would not expect protrusions having a height of less than 100 nm to be useful in retaining the coatings on the stents.

As indicated by the previous 37 CFR § 1.32 declaration of Dr. Webster submitted with the response filed on November 27, 2007 (and the attached data), and further supported by the 37 CFR § 1.32 declaration (and the attached data) submitted herewith, applicants have surprising found that substrates having surface features with dimensions less than 100 nm have unexpected properties relative to substrates that display surface features of sub-micron dimensions. The discovery of a new effective range is nonobvious when the results obtained using the new range are unexpectedly good. *In re Antonie*, 559 F.2d 618, 195 USPQ 6 (CCPA 1977). Accordingly, applicants respectfully submit that the present invention is patentably distinguishable over the references of record.

Applicants hereby authorize the Commissioner to debit Barnes & Thornburg LLP Deposit Account 10-0435 in the amount of \$180.00, the fee set forth under 37 C.F.R. § 1.17(p) for submitting an IDS, as well as any other additional fees that may be required, to Deposit Account No. 10-0435, with reference to our matter number 3220-73239.

Respectfully submitted,



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